

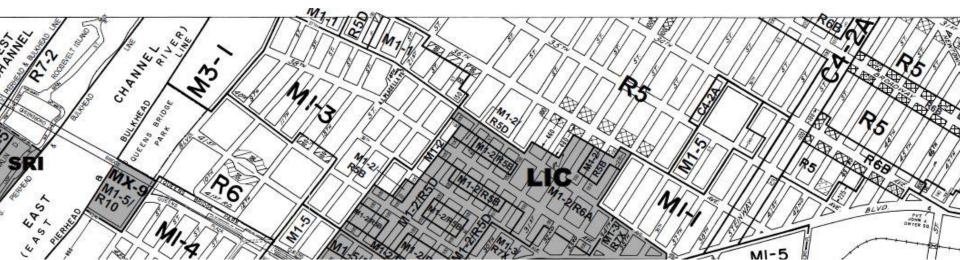
An Overview of Land Use & Zoning and the Public Review Process

West 35 Stray

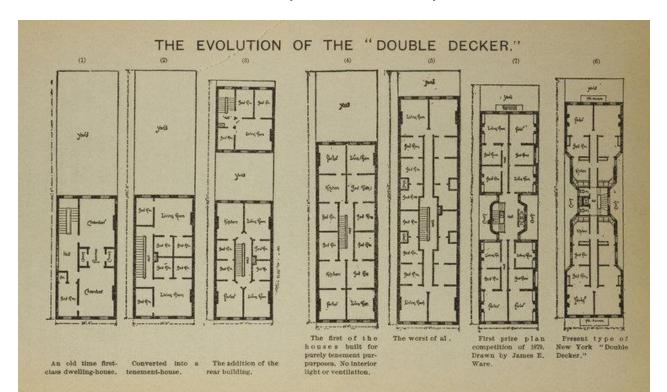
West 34 C

Land Use 101 Topics

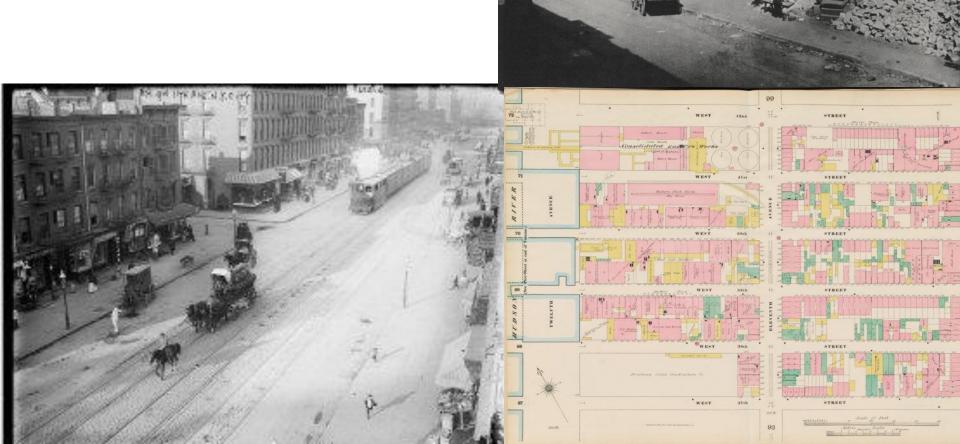
- Origins of Zoning
- Zoning Mechanics & Land Use
- Zoning Concepts & Tools
- Helpful Planning Resources



- 1840 to 1900 immigration & growth led to tenements
- Poor conditions to better living conditions
- Passed tenement regulations
 - "old law" tenement (1879-1901)
 - "new law" tenement (after 1901)



Hell's Kitchen Before Zoning Resolution

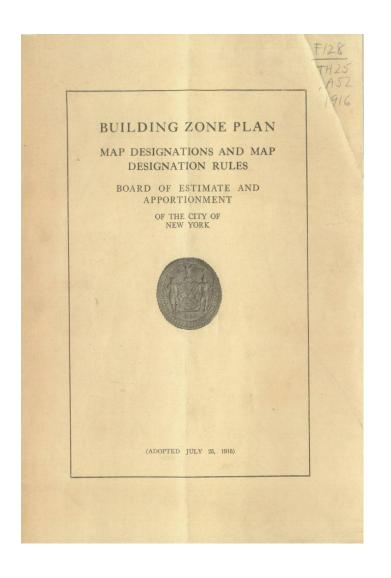


- Equitable Building 1915 Broadway at Pine Street
 - −42 stories → out of context
 - Outrage ensued



Evolution of NYC Zoning Resolution

- 1916 New York City enacted the nation's first comprehensive zoning resolution to protect and promote public health, safety & general welfare
 - Established Use Groups to coordinate different uses
 - Introduced Bulk regulations to control density and ensure air & light such as sky exposure plane
 - Addressed progress of the automobile



Sky Exposure Plane

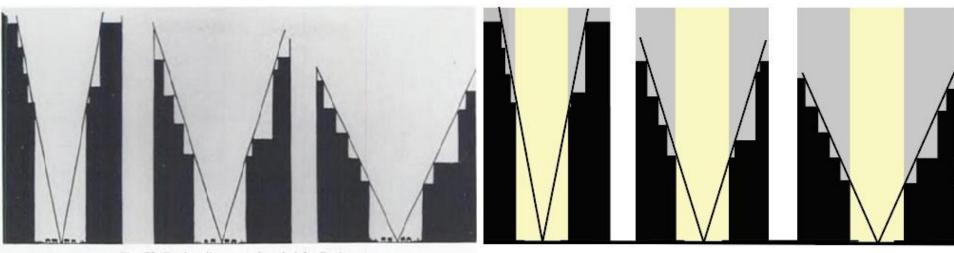
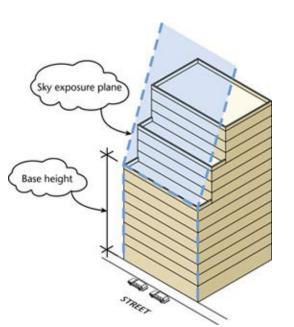
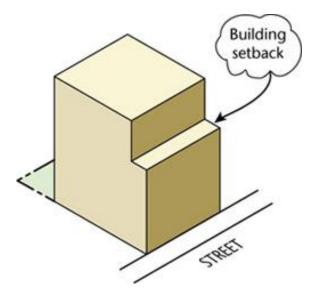


Fig. 75 Zoning diagrams, three height districts.



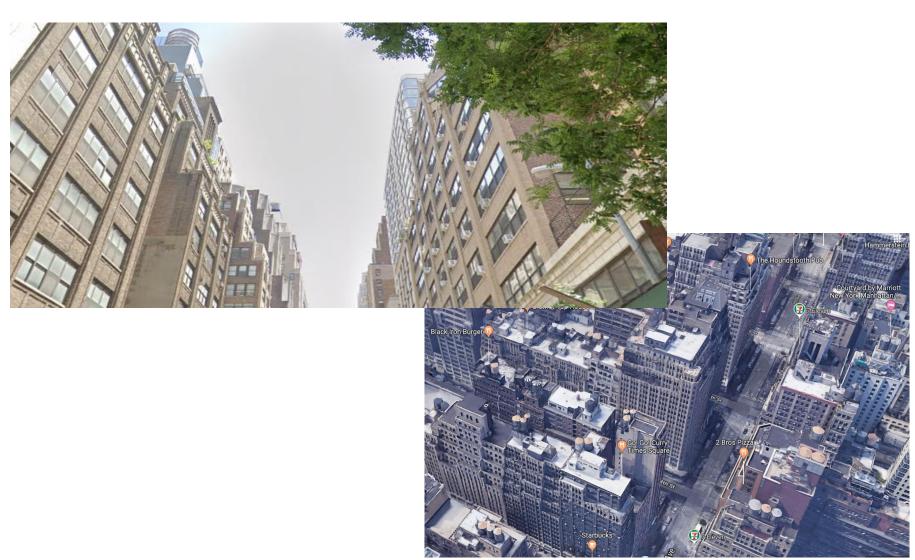




Wedding Cake Setbacks



Garment Center—Wedding Cake Setbacks



1916 Zoning Resolution Built Results



Zoning Power

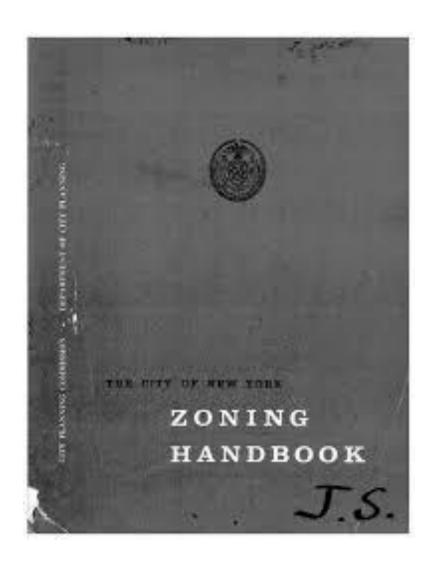
- 1926 Standard State Zoning Enabling Act (SZEA) by the US Department of Commerce
 - For the purposes of promoting health, safety, morals, or the general welfare
 - Gives states Police Power, which is the broad authority of the states to pass and enforce laws for the well-being of the public
 - Specifically gives powers to regulate Bulk & Use

Evolution of NYC Zoning Resolution

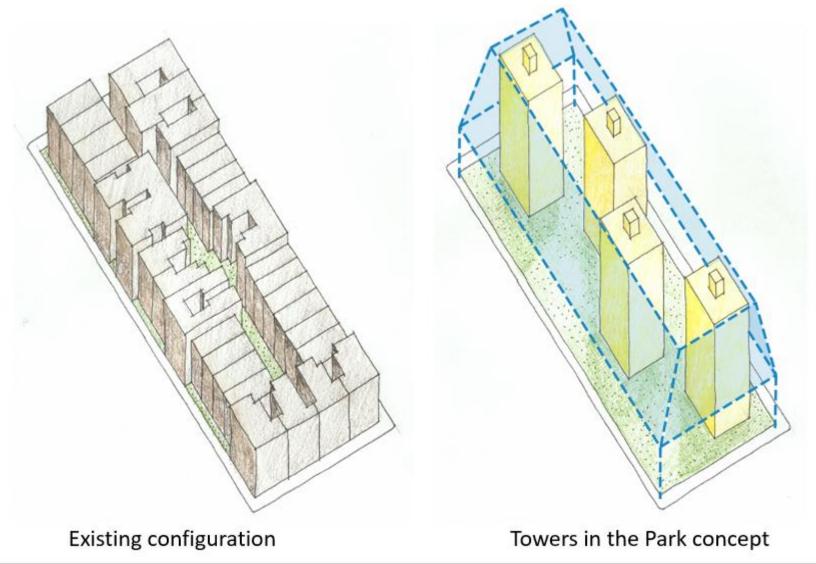
 From 1916 to 1961, there were over 2500 amendments to the 1916 Zoning Resolution

Evolution of NYC Zoning Resolution

- 1961 Zoning Resolution is entirely revised
 - Towers in the Park -Floor Area Ratio (FAR) &Open Space Ratio (OSR)
 - Incentive zoning
 - Parking Requirements



Towers in the park



Source: Columbia University

Towers in the Park



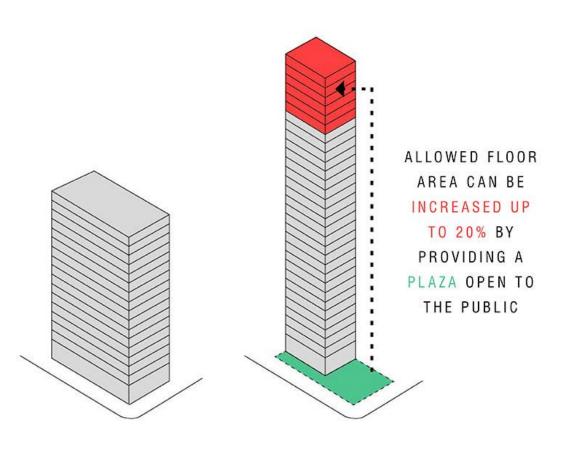
Penn South Cooperative

Evolution of NYC Zoning Resolution

But it led to ideas like this one--



Incentive Zoning: Plaza Bonus





Parking Requirements

Incorporation of Parking Requirements



Source: Milrose Consultants

Other Notable Zoning Measures

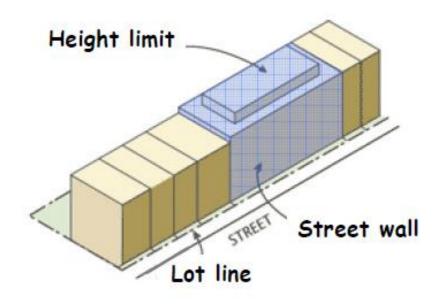
1984:

- Contextual Zoning
 - Height, set back, and building envelope regulations

1987:

- Quality Housing
 - Includes street trees, dwelling unit sizes, street wall continuity etc.
- Inclusionary Housing
 - Offers optional floor area bonus in exchange for the creation or preservation of affordable housing, on-site or off-site, principally for low-income households

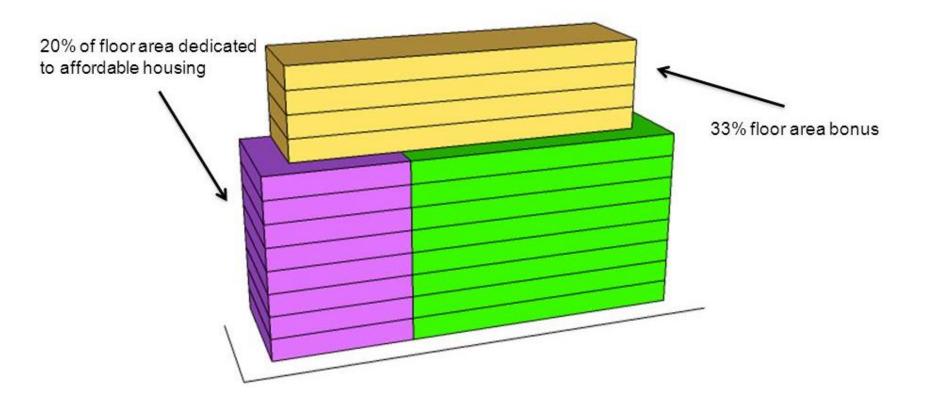
Contextual zoning (1984)





Inclusionary Housing (1987)

Bonuses allow bigger buildings in exchange for a public benefit.



Zoning Mechanics

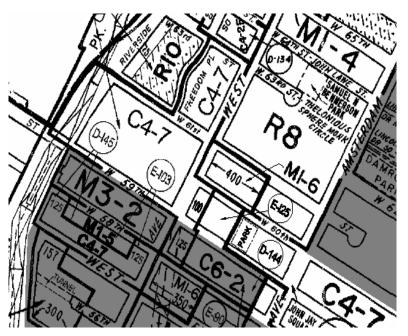


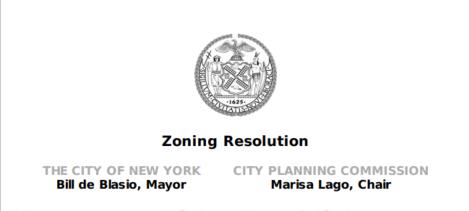
Zoning

- Modern Zoning Controls strive to ensure functional relationship between all the different users and framework for appropriate growth
- Zoning Controls
 - Land Use
 - Density (Floor Area Ratio)
 - Density (Number of Units)
 - Lot Coverage
 - Building size
 - Parking & Signage

Zoning

Map Text



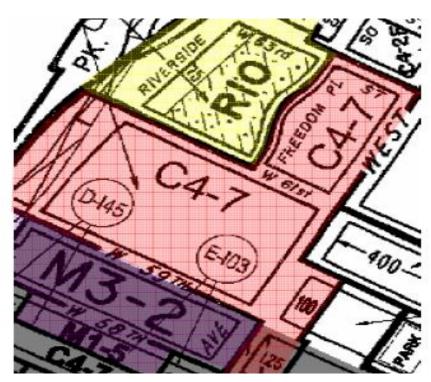


Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

How many pages are there?

Zoning

Districts



Designations

District	Dwelling Unit Factor
R1-1	4,750
R1-2	2,850
R2 R2A	1,900
R2X	2,900
R3-1R3-2 ¹	625
R3A	710
R3-2 R4 R4-1 R4B	870
R3X	1,000
R4A	1,280
R5 R5D	760
R4(infill) R5(infill) R5B	900
R5A	1,560
R5B ²	1,350
R6 R7	680
R8 R8A R8X R9 R9A	740
R9-1 R9X R10	790

Zoning Vs. Land Use

Zoning Uses

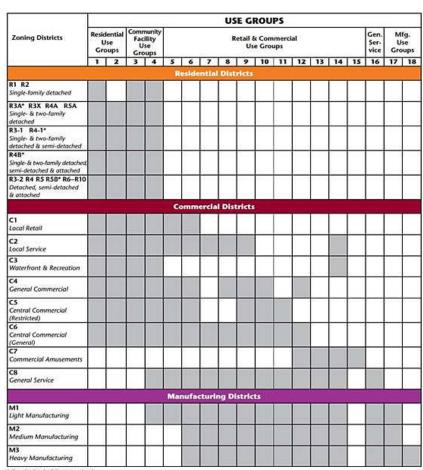
- Residential
- Commercial
- Manufacturing

Land Uses

- Residential
- Commercial
- Industrial
- Parks
- Institutions
- Mixed Use
- Transport / Parking
- Vacant Lots

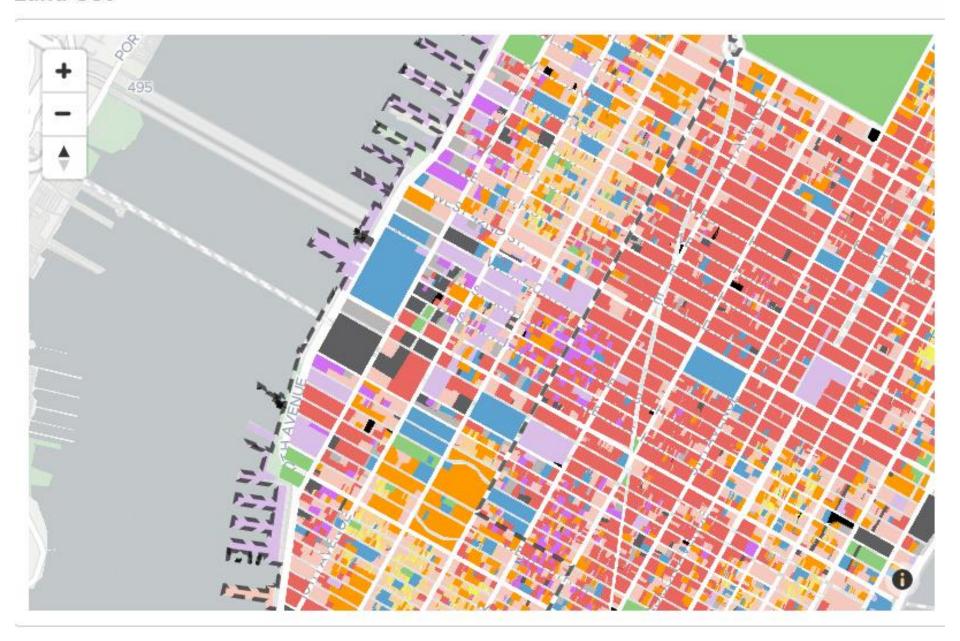
Land Use Groups

- 1 & 2 Residential
- 3 & 4 Community Facilities
- 5 9 Commercial / Local retail
 & Services
- 10 11 Regional Shopping Centers/Amusement
- 12 15 Waterfront / Recreation
- 16 General Services / Heavy Automotive
- 17 & 18 Manufacturing



Zero lot line buildings permitted

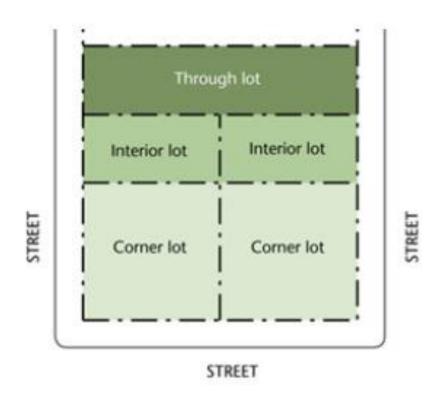
Land Use 0



Zoning ⁰



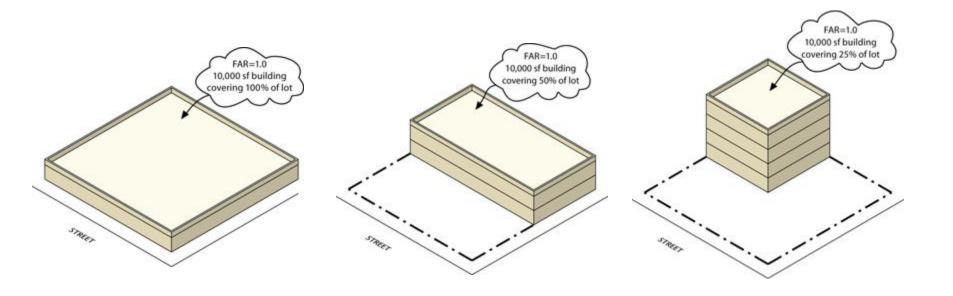
Zoning Concepts & Tools



Zoning Concepts & Tools

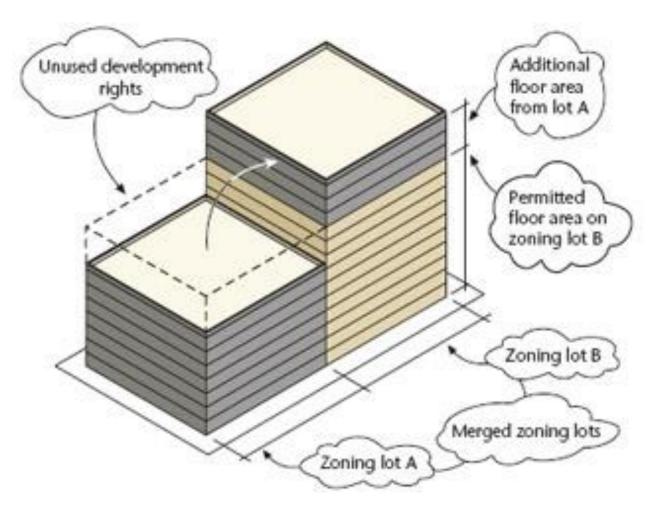
- Floor Area Ratio
- Transfer of development rights
- Lot Mergers
- Overlay districts
- As-of-right development
- Uniform Land Use Procedure

Floor Area Ratio (FAR)



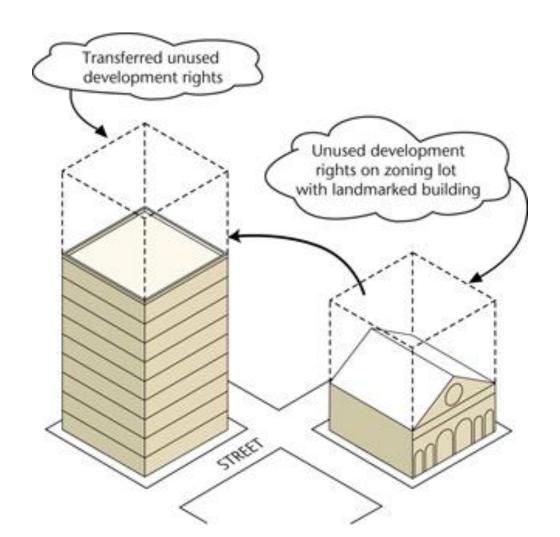
Zoning Lot Mergers

Enable development rights to shift around a single zoning lot



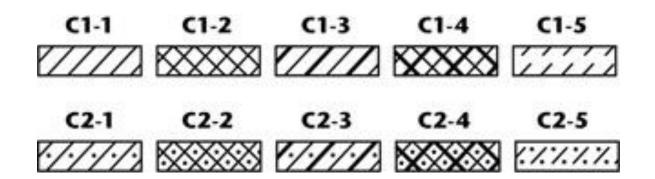
Transfer of development rights

TDRs: Enable development rights to hop from one lot to another – sometimes at a distance of several blocks



Overlay Districts

- E.g. commercial overlay
- Commercial district mapped within residential districts to serve local retail needs (grocery stores, dry cleaners, restaurants)
- Shown superimposed on map



As-of-Right Development

- Most development in New York City occurs as-of-right
- Zoning enforced by NYC Department of Buildings (DOB)
 - Issues permits in compliance with the Zoning Resolution and the Building Code
 - Grants certificates of occupancy
 - Interprets provisions of the Zoning Resolution
 - Prosecutes zoning violations
 - Maintains public records

ULURP

The Six Phases of the Uniform Land Use Review Process



Source: Brownstoner https://www.brownstoner.com/development/ulurp/

Key NYC Planning Tools

- NYC ZAP: Find New York City Zoning & Land Use Applications
- NYC ZOLA: New York City's Zoning & Land Use Map
- NYC Capital Planning Platform: Explore NYC Facilities
- NYC Community District Profiles: Data, maps, and other resources for each community district
- NYC Population Fact Finder: Detailed population profiles showing critical demographic, social, economic, and housing statistics over time

Sources

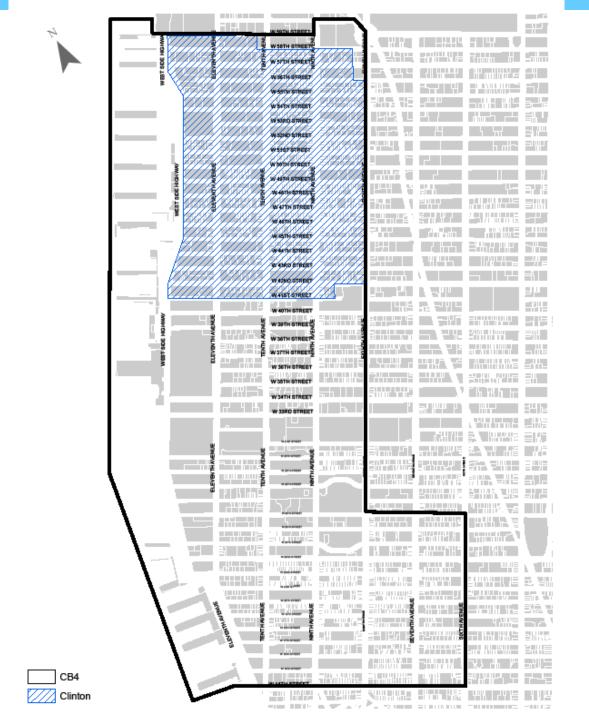
- Department of City Planning
- Office of the Manhattan Borough President
 - Gale Brewer (2014- Present)
 - Scott Stringer (2006-2013)
- NYPL Digital Collections

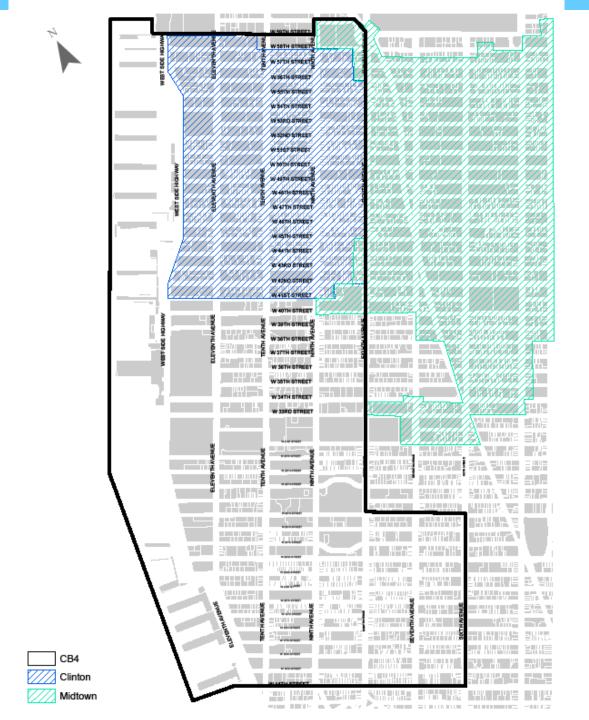


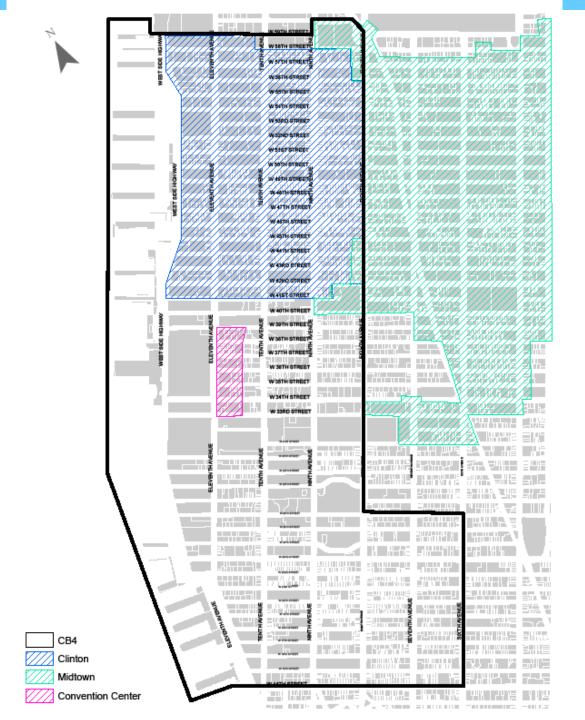
- Why do Special Districts exist?
 - Since 1969, the City Planning Commission has been designating special zoning districts to achieve specific planning and urban design objectives in defined areas with unique characteristics.
- How do Special Districts get mapped?

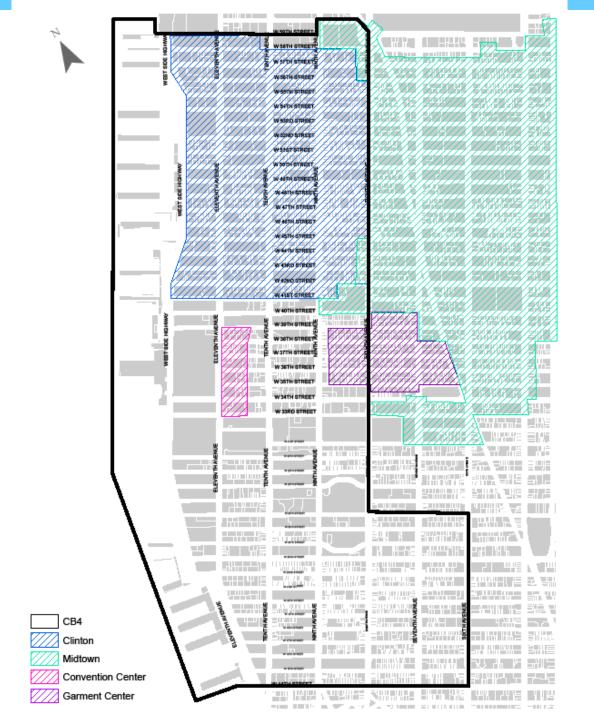
Adoption of Special Districts

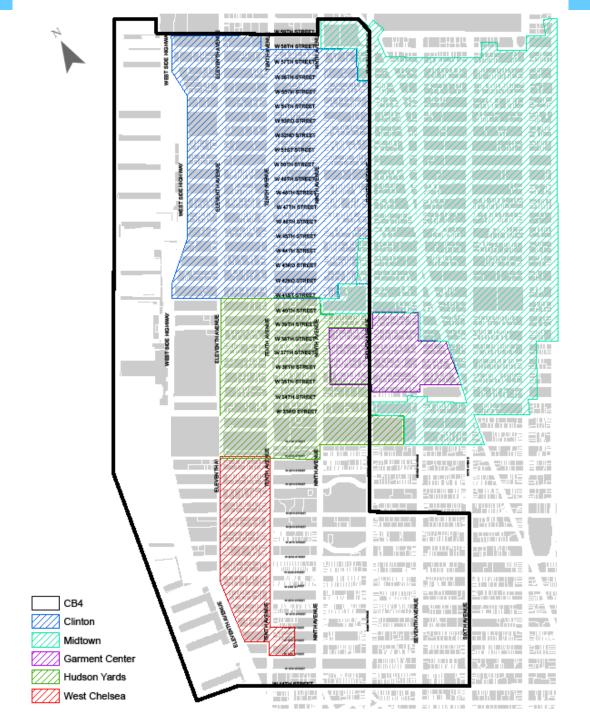
- Clinton 1974
- Midtown 1982
- Jacob K. Javits Convention Center 1986
 - Removed in 2005
- Garment Center 1987
- Hudson Yards 2005
- West Chelsea 2005

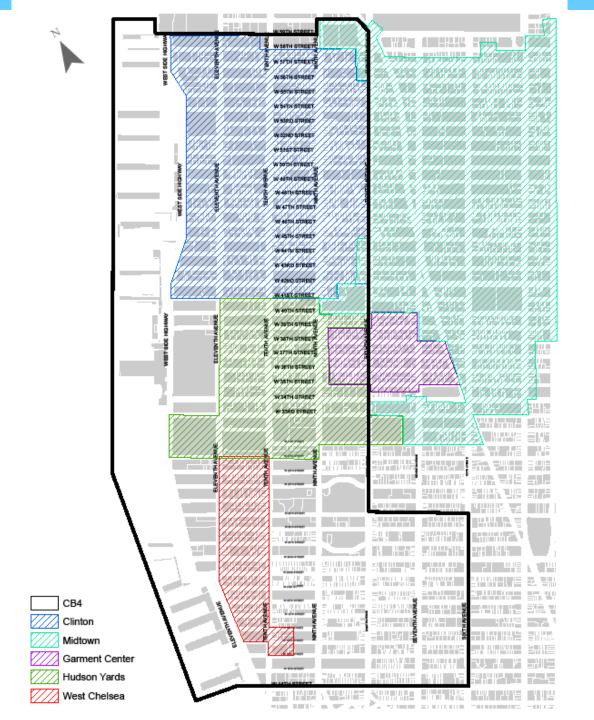












Reason for Adoption of Special Districts

Clinton

Response to proposed convention center on West 44th Street piers

Midtown

Compromise over the transfer of development rights for Broadway theaters

Jacob K. Javits Convention Center

Mapped to upzone and promote development on 11th Avenue opposite the convention center

Garment Center

Commitment to unions from Times Square redevelopment

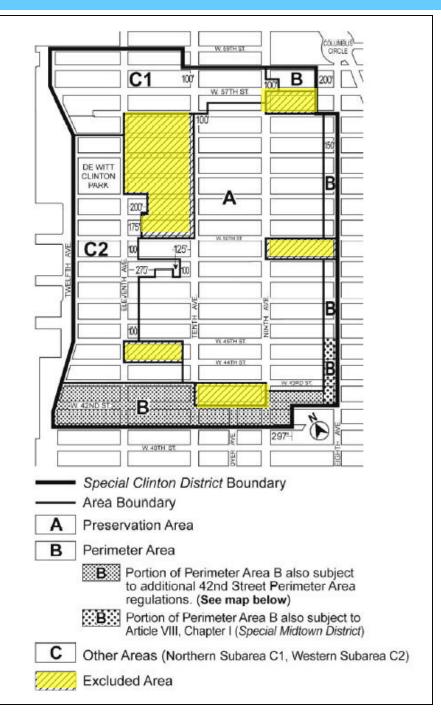
Hudson Yards

 City desired to expand the central business district west and build a stadium. Design elements of Hudson Yards all relate to the stadium that was never built.

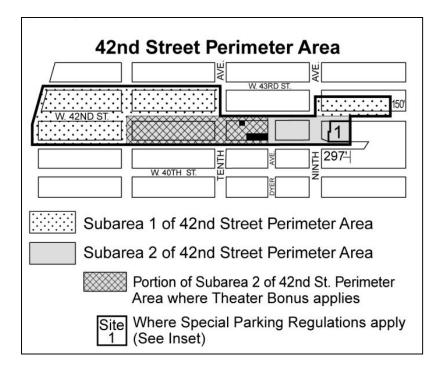
West Chelsea

 Promote development on the West Side and find a legal mechanism to prevent court challenges to the High Line Park development





CLINTON SPECIAL DISTRICT MAP



Purpose

(§ 96-00)

- Preserving and strengthening the residential character of the community;
- Retaining the low rise character of the neighborhood;
- Maintaining a broad mix of incomes; and
- Ensuring that the community is not adversely affected by new development.

Sub Areas

- Preservation Area (Area A)
- Perimeter Area (Area B)
- Other Areas (Area C)
 - Northern Subarea C1
 - -Western Subarea C2
- Excluded Areas

Preservation Area (Area A)









Preservation Area (Area A)

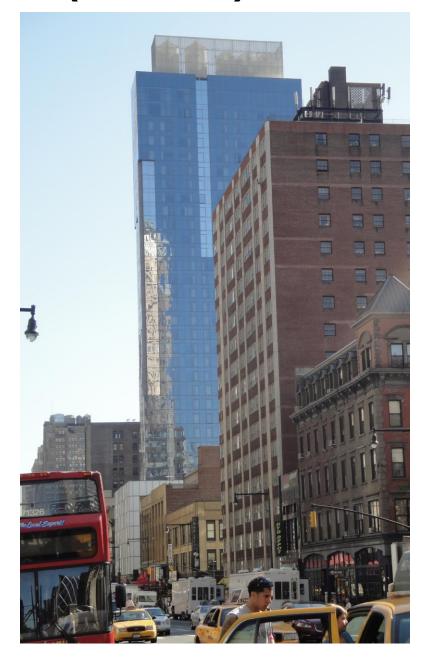
- No demolition or partial demolition permits for residential buildings unless legally unsafe
- Alterations allowed only with a Certificate of No Harassment (CoNH)
- Height Limits—between 66 and 99 feet
- Density limited to 4.2 FAR
- New buildings and alterations must have at least 20% two bedroom units

Preservation Area (Area A)

- Midblock:
 - Height maximum 66 feet or 7 stories, whichever is less.
- Ninth and Tenth Avenues:
 - -Street walls maximum of 66 feet
 - Height Maximum 85 feet, up to 99 feet
 by Special Permit

Perimeter Area (Area B)





Perimeter Area (Area B)

- Runs along 8th Avenue from West 56th Street to West 42nd Street
- High density, high rise, residential or commercial development, demolition permitted
 - Base FAR of 10, Bonusable to 12 with Inclusionary Housing, no other bonuses allowed
 - Certificate of No Harassment Required
- Along West 42nd Street Perimeter Area there are additional requirements (150 feet west of 8th Avenue to 12th Avenue)
 - Retail continuity requirement
 - Floor Area Bonus up to 15 FAR for New Theater Use (only between West 42nd Street, Dyer Avenue, West 41st Street and 11th Avenue)

Certificates of No Harassment and Cure Requirements

- Certificates of No Harassment are issued by HPD after publication and an investigation
- If there is finding of harassment, the Cure for Harassment is 28% of the floor area of the existing buildings or 20% of the floor area of the entire site to be developed*. The Cure % must produce low income housing (up to 80% AMI) in perpetuity via deed restriction

^{*}whichever is greater

Other Areas

- Northern Subarea (C1)
 - All of the blocks in the Other Areas north of West 55th Street
- Western Subarea (C2)
 - All of the blocks in the Other Areas south of West 55th Street
- Maximum Building Height of 135 feet
- Required street wall of 50 95 feet

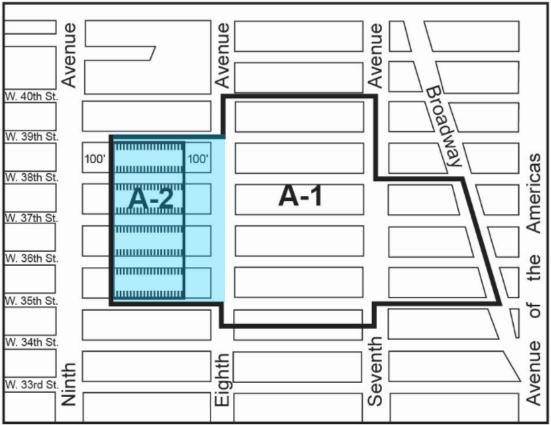
Excluded Areas

- Clinton Urban Renewal Area West 50th Street to West 56th Street, 10th to 11th Avenues
- Worldwide Plaza (former Madison Square Garden Site) – West 49th to West 50th, 8th to 9th Avenues
- Manhattan Plaza West 42nd to West 43rd
 Streets, 9th to 10th Avenues
- Parc Vendome West 56th to West 57th Streets
- ECF Site (now PS 51/Gotham) West 44th to West 45th, 10th to 11th Avenues

SPECIAL GARMENT CENTER DISTRICT



Special Garment Center District Map



- #Special Garment Center District#
- A-1 Garment Center Subdistrict A-1
- A-2 Garment Center Subdistrict A-2
- #Street Wall# required pursuant to 121-42 (a)
 - Portion located in Community Board 4

Purpose

(§ 121-00)

- Retail adequate wage and job-producing industries within GC
- Provide an opportunity for apparel production and showroom space in designated areas of the Garment Center
- Preserve a variety of types of space for a diversity of businesses that service the Garment Center and the city
- Recognize the unique character of the western edge of the Special District as integral to the adjacent Special Hudson Yards District
- Establish an appropriate urban scale and visual character within the Garment Center
- Promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

Preservation Areas

Area A-2

- As-of-right conversions to office or residential space are allowed in buildings with less than 70,000 square feet.
- In buildings with more than 70,000 square feet, conversion is allowed as long as building owners set aside the requisite space.
- As part of the Hudson Yards Rezoning (2005)
 - Can now build new residential and commercial buildings
 - Inclusionary Housing Designated Area

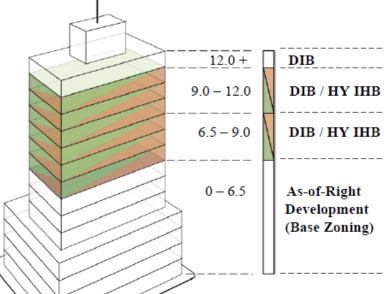
As part of the Hudson Yards Rezoning (2005)

- Street walls required at the street line and extending along entire street frontage
- Street walls rise without setback to a minimum of 80 feet and maximum of 90 feet, unless neighboring buildings are significantly taller or shorter
 - Maximum Building Height of 250 feet
- Can now build new residential and commercial buildings
- Inclusionary Housing Designated Area

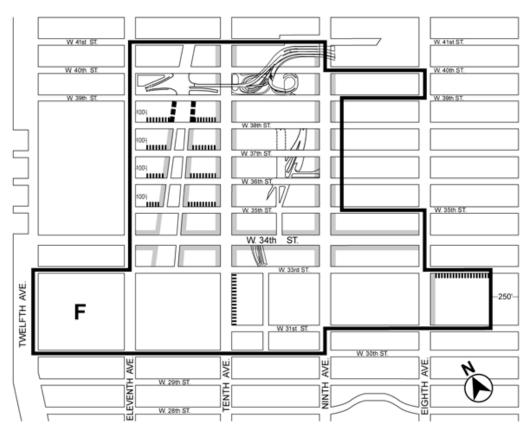


SPECIAL HUDSON YARDS DISTRICT

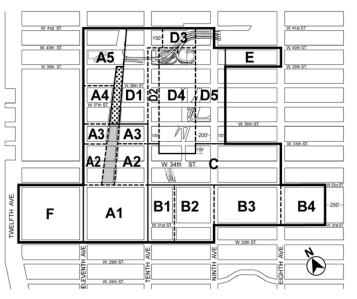




Special Hudson Yards District Map



- Special Hudson Yards District
- 100% Retail and Glazing Requirement
- 50% Retail and Glazing Requirement
- ---- Glazing Requirement Only
 - F Subdistrict F (See Map 8 for Mandatory Ground Floor requirements)



- Special Hudson Yards District
- ---- Subdistricts
- ---- Subareas within subdistricts
- Phase 1 Hudson Boulevard and Park
- Phase 2 Hudson Boulevard and Park

Large-Scale Plan Subdistrict A

Eastern Rail Yards Subarea A1 Four Corners Subarea A2 Subareas A3 through A5

Farley Corridor Subdistrict B

Western Blocks Subarea B1 Central Blocks Subarea B2 Farley Post Office Subarea B3 Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D Subareas D1 through D5

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Purpose

(§ 93-00)

- Provide opportunities for substantial new office development;
- Encourage new housing development on the Far West Side;
- Facilitate a subway extension and the creation of a new boulevard; and
- Provide new publicly accessible open space.

Key Features

- Establishment of HYIC and HYDC
- Establishment of Pilots for Commercial Development
- District Improvement Fund Bonus -- \$\frac{\$134.63}{}\$ per sq. foot
- Transfer of Development Rights from ERY
- Mapping new Hudson Park and Boulevard
- Extension of the #7 subway line
- Ground Floor Retail
- Street Trees
- Sidewalk Widening
- Inclusionary Housing Bonus

Sub Districts

Large-Scale Plan Subdistrict A

Eastern Rail Yards Subarea A1 Four Corners Subarea A2 Subareas A3 through A5

Farley Corridor Subdistrict B

Western Blocks Subarea B1 Central Blocks Subarea B2 Farley Post Office Subarea B3 Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D Subareas D1 through D5

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Sub District Purposes

Hell's Kitchen

 Allows new residential development in midblocks between 9th and 10th Avenues

Tenth Avenue Corridor

Transition from lower to higher density (6.02 to 12 FAR)

Commercial Core – 34th to 41st, 11th Avenue

 New office buildings along new boulevard and park (FAR 33 -- densest zoning in the city)

34th Street Corridor

Reinforce existing residential and commercial uses

Farley Corridor

Office development and 32nd Street as pedestrian corridor

Western Rail Yard Subdistrict F

- Development Sites 1-6
- Street wall, building height, floor plate, and tower regulations
- Tower Top Articulation
- Relationship of Sites to High Line Park
- Public open space
 - Western Open Space
 - Central Open Space
 - Southwest Open Space

	Farley Corridor Subdistrict B				34th St	Hell's Kitchen			South of
					Corridor	Subdistrict D			Port
					Sub				Auth.
			district				Sub		
					C				district
									E
	Western	Central	Farley	Penn.		Subarea	Subarea	Subarea	
Subarea	Blocks	Blocks	Post	Stn.		D1	D2	D3	
			Office						
ROW A	10.0	12.0	10.0	10.0	10.0	7.5	7.5	7.5	10.0
Basic maximum	total	total	total	total	total	total	total	total	total
#floor area	10.0 C	12.0 C	10.0 C	10.0 C	10.0 C	2.0 C	2.0 C	6.0 C	10.0 C
ratio# for	2.0 CF	2.0 CF	2.0 CF	2.0 CF	10.0 CF	7.5 CF	7.5 CF	7.5 CF	2.0 CF
#non-									
residential									
buildings#									
ROW B	NA	NA	10.0	NA	6.5	6.5	6.5	7.5	NA
Basic maximum			total		total	total	total	total	
FAR for			10.0 C		6.5 C	2.0 C	2.0 C	6.0 C	
#buildings#			6.0 R		6.5 R	6.5 R	6.5 R	7.5 R	
containing			2.0 CF		6.5 CF	6.5 CF	6.5 CF	7.5 CF	
#residences#									
ROW C	21.6	19.0	NA	19.5	13.0	15.0	13.0	12.0	18.0
Maximum FAR	total	total		total	total	total	total	total	total
through	21.6 C	19.0 C		19.5 C	13.0 C	3.0 C	3.0 C	7.5 R	18.0 C
special	6.0 R	4.0 R		2.0 CF	12.0 R	12.0 R	12.0 R	7.2 C	3.0 R
#floor area#	2.0 CF	2.0 CF			12.0 CF	12.0CF	12.0CF	12.0CF	2.0 CF
increases									
pursuant to									
Section 93-									
30, inclusive,									
Inclusionary									
Housing									
Section 93-									
23, inclusive,									
or Section 74-79,									
inclusive, as									
applicable.									

C = Commercial FAR

CF = Community Facility FAR R = Residential FAR

Purpose:

Why is Hudson Yards important to the city's future?

New York has a long history of meeting great challenges. It is a history of planning during recessions and building during booms. In fact, it was exactly one century ago that Park Avenue was an open rail yard spewing smoke and soot. In response, the state legislature mandated the construction of Grand Central Station, one of the greatest train terminals in the world. Streets and development parcels were built around open rails yards and within thirty-years, the area was lined with some of most impressive buildings in the city, including the Waldorf Astoria.

In 1900, New York City invested in the infrastructure that created the world's greatest central business district. A century later, New York City is poised to make a similar investment to transform the Hudson Yards into a vital urban center.



Aerial photo of Hudson Yards today



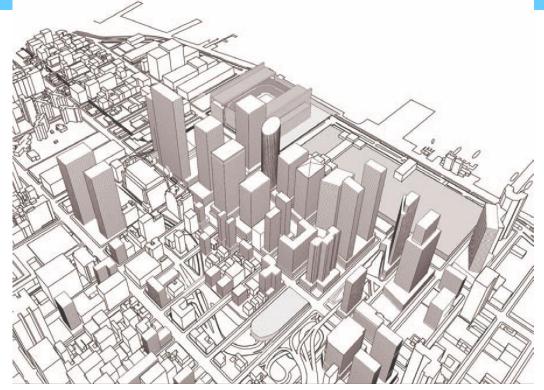
Looking south towards Grand Central, circa 1900



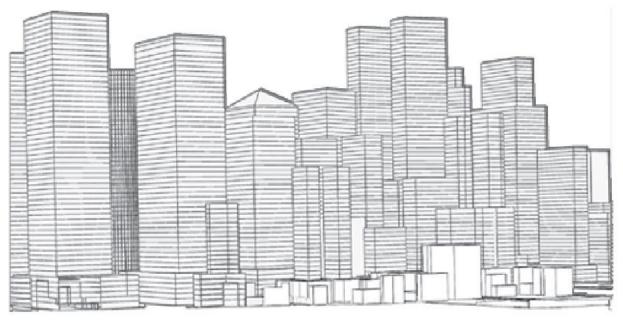
Looking south towards Grand Central, circa 1913



Aerial photo of Park Avenue, circa 1935

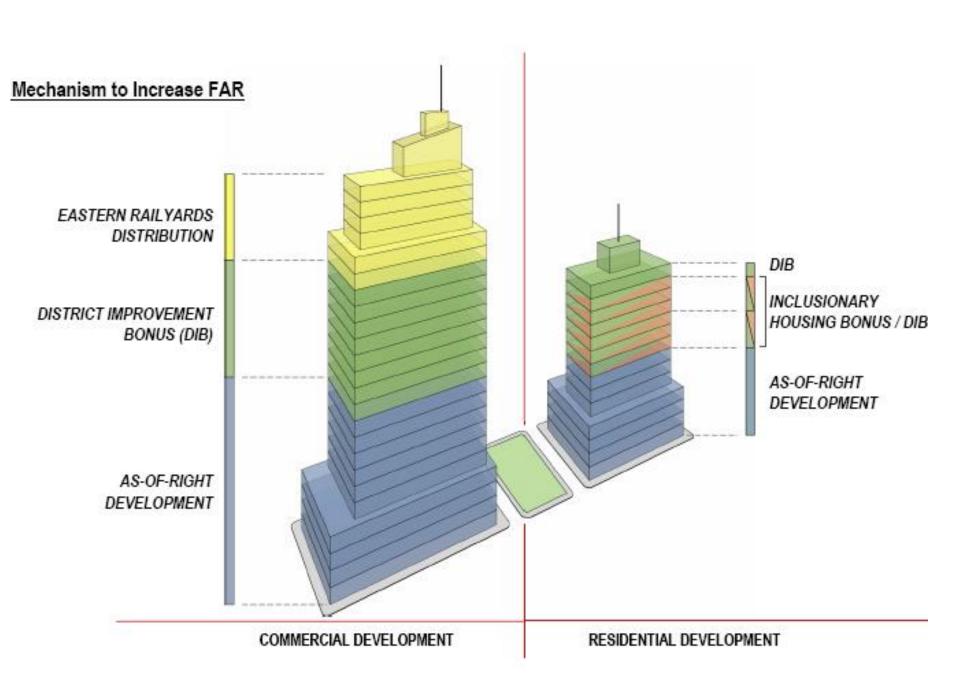


Renderings of Fully Built Out Hudson Yards



Maximum FAR



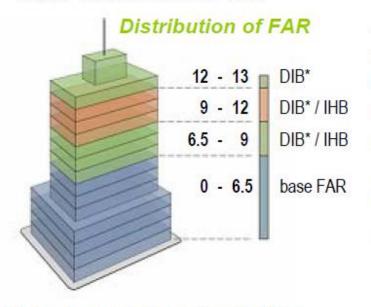


Site 735A

East side of Tenth Avenue between West 37th and 38th streets



Existing conditions, looking northeast from 10th Avenue and West 37th Street



Block/Lot: 735/1,6,7,8,9,65

Zoning: C2-8

Total Lot Area (SF): 38,049

Max. FAR: 13.0

Max. ZFA (SF): 494,637



Suggested Site

Base FAR: 6.5 Bonus FAR: 6.5 ERY Transfer FAR: NA

Ownership: All lots are privately owned by one entity

Assemblage required: No

Design Controls: ground floor retail and transparency, street trees,

required street wall

Parking Requirement: approximately 109 spaces

Height Limits: None

Site Attributes: Convenient access to future mass transit and Javits

Convention Center; accommodates mixed-use development

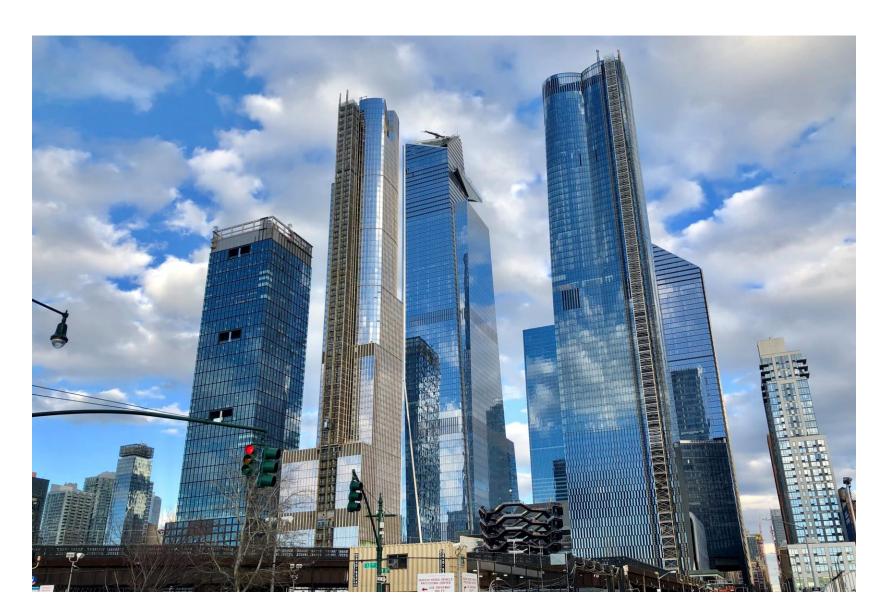
Site Challenges: No major challenges

DIB: District Improvement Bonus; IHB: Inclusionary Housing Bonus

^{*}Or transfer of air rights from Phase II of Blvd



Hudson Yards

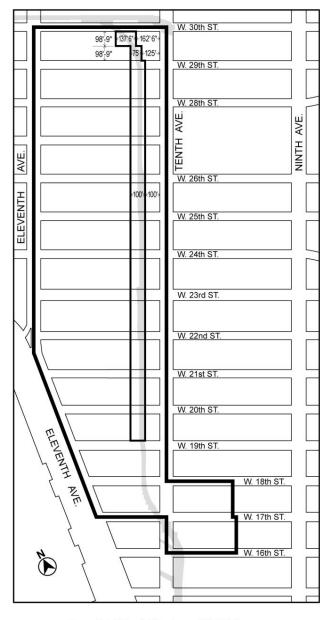


Hudson Yards



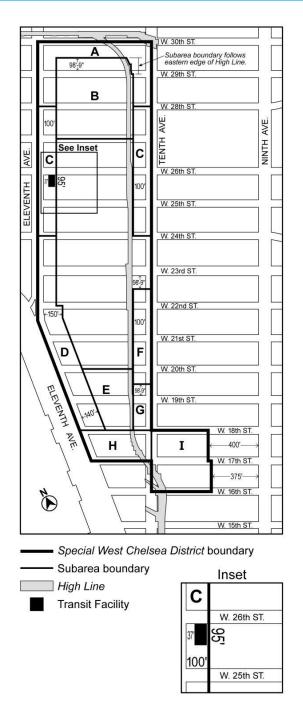






Special West Chelsea District Map

Sub Areas



Special West Chelsea DistrictHigh Line Transfer CorridorHigh Line

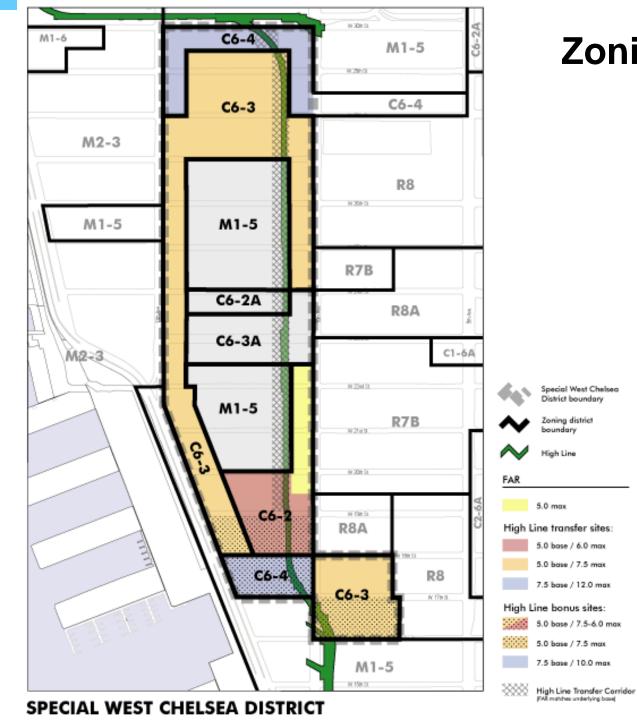
Purpose

(§ 98-00)

- Area bounded generally by Tenth and Eleventh Avenues from West 30th Street south to West 16th Street, established to:
 - Provide opportunities for new residential and commercial development; and
 - -Facilitate the reuse of the High Line elevated rail line as a unique public open space.

Subdistricts

- A
- B
- C
- D
- E
- F
- G
- H
- •



Zoning

Special West Chelsea District boundary

Zoning district boundary

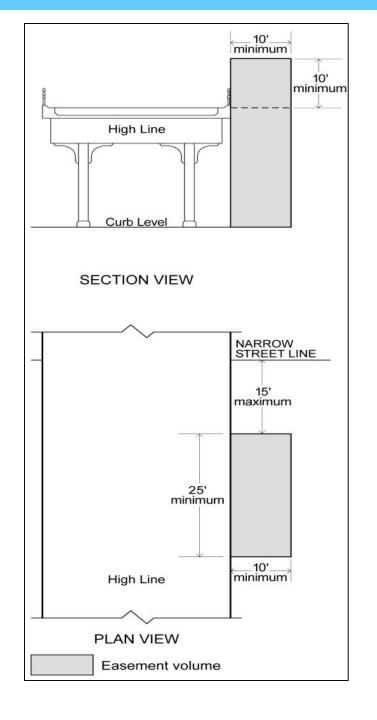
High Line

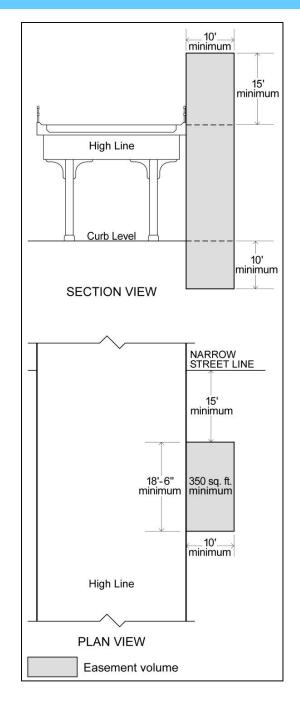
Key Features

- High Line Development Rights Transfer
- Highline Improvement Bonus
- Highline Improvement Fund
- Inclusionary Housing Bonus in Designated Areas
 - C6-3 and C6-4 Districts within Subareas A through D, and Subarea I

High Line Benefits

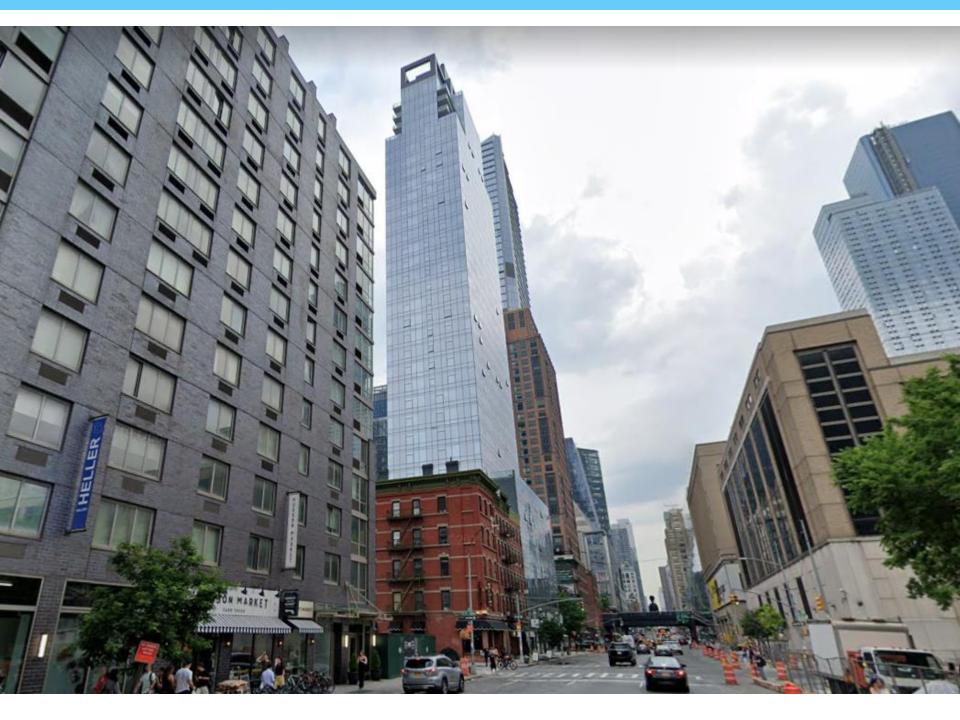
- High Line Transfer Corridor--enables the transfer of development rights from properties over and immediately west of the High Line to permit light and air to penetrate to the High Line and preserve and create view corridors
- Highline Improvement Bonus Mandates specific Highline Improvements for Subareas D, E, G, H, and I in exchange for an increased FAR
- Highline Improvement Fund— For some zoning lots within Subarea C, FAR may be increased to 7.5 if a payment has been made to the High Line Improvement Fund

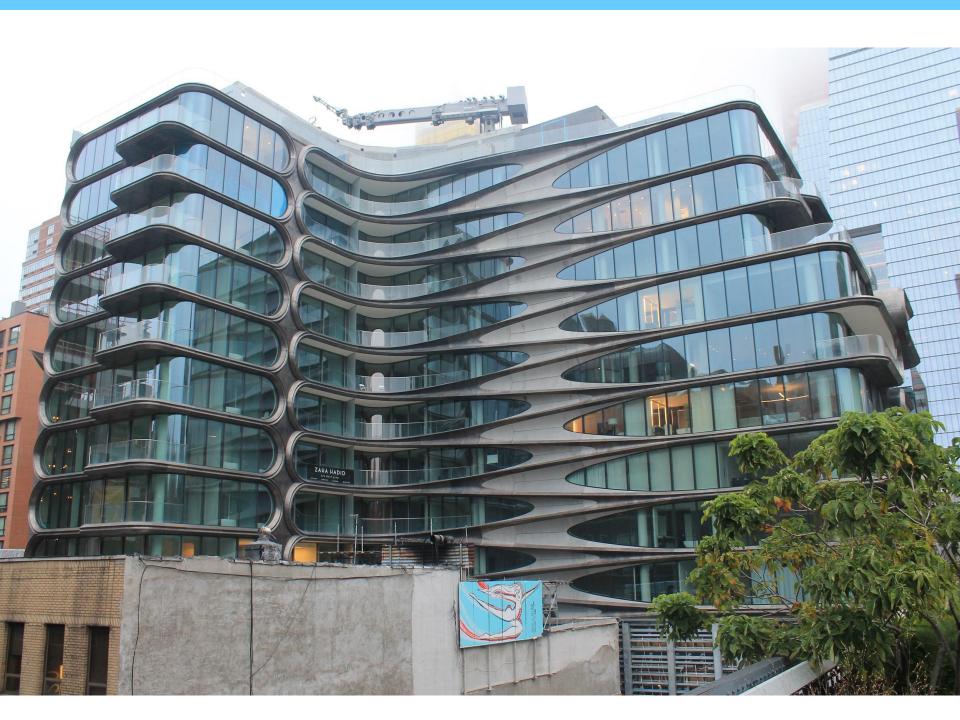




Maximum FAR

	Basic	in FAR from	Increase	Inclusi		
Sub- area	#floor area ratio# (max)	#High Line Transfer Corridor# (98-30)	in FAR with #High Line# Improvement Bonuses (98-25)	FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	Permitted #floor area ratio# (maximum)
A	6.5	2.65	2	2.65	2.85	12.0
В	5.0	2.5	2	1.25	1.25	7.5
С	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.03	1.02,3	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.03	1.0 ³	NA	NA	6.0
Н	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5





DEMOLITION RESTRICTION



Demolition Restriction West 35th Street















Demolition Restriction Ninth Avenue

















Demolition Restriction West 17th and West 29th Streets







